

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE No. 1:20-CV-11889-MLW

Dr. SHIVA AYYADURAI)	
Plaintiff,)	
)	
v.)	
)	
WILLIAM FRANCIS GALVIN,)	
MICHELLE K. TASSINARI,)	
DEBRA O'MALLEY,)	JURY DEMANDED
AMY COHEN,)	
NATIONAL ASSOCIATION OF)	
STATE ELECTION DIRECTORS,)	
all in their individual capacities, and)	
WILLIAM FRANCIS GALVIN,)	
in his official capacity as Secretary)	
of State for Massachusetts,)	
Defendants.)	

STATUS REPORT RE EVASION OF SERVICE
AND DILATORY TACTICS BY DEFENDANTS AMY COHEN AND NASED

Defendant Amy Cohen, who is to be served in her individual capacity and also to be served as Executive Director for Defendant NASED, has been actively evading service for more than ten (10) days. Process servers have made repeated trips to NASED headquarters and have left Defendant Cohen numerous telephone messages. Defendant Cohen has not responded to messages left on her voicemail and also not to messages left physically at NASED headquarters requesting an appointment so she may accept service in hand.

On December 14, 2020, Plaintiff emailed Defendant Cohen and requested her to contact the process servers who had come by NASED headquarters repeatedly so that service could be perfected. Plaintiff was then contacted via email by an attorney in Boston, Nolan Mitchell (BBO# 668145) now at Nelson Mullins Inc., and previously Attorney Adam Hornstine's

colleague at Wilmer Hale. Attorney Mitchell wrote that he represented both Defendant Cohen and Defendant NASED and asked Plaintiff to direct all communications to him henceforth.

Plaintiff requested an appointment time and date for Attorney Mitchell to accept service of the summons and complaint for both of his clients.

Attorney Mitchell then declined to accept service of the summons on behalf of his clients and claimed he would accept only a waiver of service form and that he and his client would then discuss how to move forward.

Plaintiff reiterated via email that as Attorney Mitchell claimed to represent both Defendant Cohen and Defendant NASED, he should accept service and that he should provide an appointment to be served. The email chain is attached to this status report.

Plaintiff files this status report to apprise the court of evasive and dilatory tactics being employed by Defendants Cohen and NASED and their attorney, Nolan Mitchell.

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: December 16, 2020

Dr. Shiva Ayyadurai
Plaintiff, *pro se*
701 Concord Ave,
Cambridge, MA 02138
Phone: 617-631-6874
Email: vashiva@vashiva.com

CERTIFICATE OF SERVICE

Plaintiff certifies that he served this status report upon Defendants Cohen and NASED, via their attorney, Nolan Mitchell by email (nolan.mitchell@nelsonmullins.com) as they have yet to appear in this court, and upon the other defendants via their counsel, Adam Hornstine Esq., via ECF.

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: December 16, 2020

Dr. Shiva Ayyadurai
Plaintiff, *pro se*

NOLAN EMAILS

From: Shiva Ayyadurai <vashiva@vashiva.com>
Date: Tue, Dec 15, 2020 at 9:19 PM
Subject: Re: 11889 Ayyadurai v. Cohen & NASED
To: Nolan Mitchell <nolan.mitchell@nelsonmullins.com>

If you are representing her and NASED, you should accept service. Once again, kindly tell me the date/time when we can serve you.

Yours sincerely,
Dr. Shiva Ayyadurai

On Tue, Dec 15, 2020 at 9:16 PM Nolan Mitchell
<nolan.mitchell@nelsonmullins.com> wrote:

Dr. Ayyadurai,

Just a point of clarification, but I am not authorized to accept service and did not offer to do so below. As stated, however, I'm happy to discuss a waiver of service with my clients if you request one by sending me Waivers of the Service of Summons for Ms. Cohen and NASED, which is a form available online. See Fed. R. Civ. 4(b). If my clients agree to waive service, and subject to a reservation of all jurisdictional defenses, it will obviate any need for in-person service.

If acceptable to you, please complete and provide the waiver forms and I'll be in touch shortly to confirm whether my clients will agree and to discuss the case more generally.

Thanks, and have a good night.

Nolan

From: Shiva Ayyadurai <vashiva@vashiva.com>
Sent: Tuesday, December 15, 2020 3:22 PM
To: Nolan Mitchell <nolan.mitchell@nelsonmullins.com>
Subject: Re: 11889 Ayyadurai v. Cohen & NASED

Dear Attorney Mitchell:

Kindly provide us a date and time this week. I shall have the Suffolk County Sheriff serve you the Summons and Complaint for Ms. Cohen and NASED. If you will not be at your office at Post Office Square, kindly let me know where the Sheriff should come.

Thank you for accepting service,

Dr. Shiva Ayyadurai

Sent from my iPhone

On Dec 15, 2020, at 12:02 PM, Nolan Mitchell
<nolan.mitchell@nelsonmullins.com> wrote:

Dr. Ayyadurai,

I represent Ms. Cohen and NASED in this litigation. Nice to meet you via email, and please direct all future communications to me.

Ms. Cohen forwarded your email below to me. Please send me a waiver form for the service of summons and I'll discuss it with my clients and expect we'll be able to resolve any difficulties with service in short order. I'm in a deposition today, but will get back to you promptly on service and next steps in the case.

I look forward to working with you on the case. Best,

Nolan

NOLAN J. MITCHELL PARTNER

nolan.mitchell@nelsonmullins.com

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From: Shiva Ayyadurai <vashiva@vashiva.com>

Sent: Monday, December 14, 2020 9:08 PM

To: acohen@nased.org

Cc: update@samedayprocess.com; Same Day Process

Subject: 11889 Ayyadurai v. Cohen & NASED

Dear Ms. Cohen:

I have named you and NASED as Defendants in my RICO lawsuit. My process server has come by at your office a few times to serve the Summons and Complaint; however, he has not been able to make an appointment with you. He assures me, he has also left numerous voice mails at your number and you have not returned his calls.

Please call my process server **(202) 398-4200** or email him and kindly make an appointment tomorrow or this week to accept service.

Sincerely,

Dr. Shiva Ayyadurai

m: 617-631-6874